

## VAPE STORES

### *Motion*

**HON DR BRIAN WALKER (East Metropolitan)** [10.10 am] — without notice: I move —

- (1) That this house notes the recent vaping education pack issued by the McGowan government, and supports regulation to prevent vape stores from operating within a predetermined radius of schools.
- (2) Further, the Legislative Council encourages the government to investigate the potential to regulate such distanced-based solution, alongside an investigation into the level and scope of regulation necessary to allow small vape businesses to continue to provide a valuable economic and social service to the community, while protecting the vulnerable, the results to be presented to Parliament upon completion.

Members will probably be very surprised that a medical doctor is speaking in favour of this motion. Everyone knows that I am a rabid anti-smoker. Smoking killed my parents. From the age of five, I remember vividly arguing with my parents to stop their habit. It was foul, smelly and dirty and I detested it from the age of five. They had come through a war. Those who were non-smokers were the abnormal ones. Almost everyone smoked. I learnt how difficult it was to stop smoking, not just when it became unfashionable but also because the habit was highly addictive. I had to watch my parents die—my father at 50; my mother at 80, but she could have lived to 95. The loss of life years and the loss of quality of life will be on my memory until the day I die. It even affected my little brother, who, despite growing up with parents who smoked quite heavily, took up the habit as well, and has, of course, since died. My little brother is dead, partly because of smoking. As a doctor, I know there is a wealth of evidence to support the use of prescriptions to help people to stop smoking. I do this all the time. There are pills, potions, patches and sprays. I always accompany that, when I am prescribing to patients, by saying that these things do not really work. They have an effect and they may be helpful for some, but most people return to smoking after they have tried them. They are a failure. The best way to quit is to want to quit smoking—I mean really want to quit! This has become increasingly clear, and we have evidence for that. Just as we know the sun will rise at dawn, we have evidence that vaping helps people to stop smoking, so this can be an effective support to those who wish to stop smoking.

As a doctor, I know it is imperative that patients have ownership of their own problems. It is all very well me pontificating and telling people what they should do to stay healthy. But if I say they have avoid eating, say, potatoes and they have grown up on potatoes, it is a big ask. They have got to have ownership of what is going on: “I am in charge of my health. My doctor is my adviser, but I decide. I am in charge.” It is important that people have ownership of their treatment; otherwise things will not happen. We know from science that only 30 per cent of what doctors prescribe gets done by the patient—30 per cent. Maybe people do not trust doctors, and I highly recommend people do not trust doctors—just as we should not trust politicians either, but there we are. Whatever the reason, people opt to go their own path and they go it alone. To help people to quit smoking, there are some 25 specialist vape stores across our state. That is not counting the other commercial sources—the IGAs and convenience stores that stock vape supplies. I have been to only a few. I cannot speak for all these diverse outlets, but in recent months I have spoken with a number of specialist store owners and people who are concerned with vaping. I can tell members that they are worried for their future on two major fronts. The first, of course, is purely from a business perspective. They say, “My business is going to go down the tube. I am going to have no income. I will have to close my store.” That is valid.

**Hon Alannah MacTiernan:** What sort of stores are these?

**Hon Dr BRIAN WALKER:** They are vape stores.

**Hon Alannah MacTiernan:** They are actual vape stores, even though it is actually illegal to sell this? These are like Cloud 9 outfits?

**Hon Dr BRIAN WALKER:** Something like that, yes.

**Hon Alannah MacTiernan:** They are going to go out of business because they are illegal?

**Hon Dr BRIAN WALKER:** This is the point I am making here. Their reason for business has gone.  
Several members interjected.

**The PRESIDENT:** Order! This is a debate, not across-the-chamber chatter.

**Hon Dr BRIAN WALKER:** I thank the minister for pointing out these discrepancies, because part of the problem is that this is unclear. Their stores are still open; they are selling vape products that contain no nicotine, of course, but are flavoured products that can assist people to modify their prescribed nicotine solution with the vape to encourage them to reduce their cigarette consumption.

**Hon Stephen Pratt:** And they are very attractive to young people.

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**Hon Dr BRIAN WALKER:** This is exactly the point and what is happening. They are attractive to young people because they are following what adults do and they are exploring things, so keeping this away from children will be very much in the public interest. This is an aim shared by those vape stores. It is very much a point of view that is shared by those professionals who want to serve the public.

The second thing they are worried about is that big tobacco is on the sidelines waiting to step into the vacuum. We know that when we try to prohibit things, we are opening up the debate to people who are going to be less interested in wellness and more interested in personal profits at the expense of people's health. As I said, I am a rabid anti-smoker. I have been by people's bedside as they have passed away from the effects of smoking. It is not a pleasant sight. I see their families, who say, "If only they had stopped. We tried and we tried."

My interest is twofold. Partly as a quirk of geography, I have a number of vape stores in my electorate and I want to represent their interests, as indeed should any member of Parliament. Also, to be blunt, many of my constituents share my philosophical belief that people ought to be empowered to do what they think is right for themselves. We should be doing all we can to allow people to do what is right for them provided no harm is caused to others. That is one of my fundamental beliefs. Let me be clear that the 25 vape stores I have mentioned are not selling nicotine because, if they were, they would be breaking the law and the government would have already closed them down. I can prescribe nicotine, but the process for me to prescribe nicotine is really complex. It is even more complicated, I think, than prescribing cannabis. What happens is that people find it much easier not to pay for a doctor, wait the 15, 45 or 55 minutes to see a doctor to get a prescription and go to the chemist to then mix it with their vape. They do not do that; they just walk into a shop and buy some cigarettes. We are making it more difficult for people to come off cigarettes because our well-meaning legislation is making it harder for people to stop.

These stores are selling two things: one is devices, which they sell separately so they do not breach the provisions of the Tobacco Products Control Act. This is ironic, given there is no tobacco in the product and these devices will help cut back on tobacco use. It is quite an ironic issue that these stores cannot sell these things together because of the Tobacco Products Control Act. They also sell non-nicotine, often flavoured, vape juices. These stores have largely been self-regulated. I spoke the other day with an owner who is highly supportive of vaping—of course he is—because it stopped him from smoking. He had tried everything that doctors could prescribe and he tried through his own efforts. The only way he could get off cigarettes was by vaping, and he did very successfully. He gets people coming into his store on a regular basis. Their quality of life has improved. They are feeling better. Their taste is better. They are living better because of the service he offers, helping people to come off that odious habit.

Self-regulation also means that they are protecting children, as under 18s are not allowed in their stores, and their stores are not in proximity to a school—or they should not be. In some cases, when they find adults coming in to buy vape products to give to children, they are weeding out these people, if at all possible, so that they can try to reduce the risk, as Hon Stephen Pratt mentioned, of allowing children to get into this habit as well. But is everyone doing the right thing? I think not. I have heard of some stores—maybe convenience stores—that take a rather relaxed attitude, much like the tobacco shops, which may sell tobacco to a young person. They never notice a young person's age; they allow them to come in or adults to buy tobacco for their young friends. This happens all the time. We have a problem with this. We need to find a better way of dealing with this habit of smoking in our community. All of us agree with that. The question is: how are we going to implement that to everyone's benefit?

These specialist stores do not want to see underage kids hooked on a new fad. They also do not want to inadvertently become a gateway to smoking. They are in a place to oppose that, and they do oppose it—root and branch. It is opposed by the people who are in control of the vape shops. We need to support that. That is why they have urged me, as I now urge the government in the first limb of my motion today, to regulate a distance from schools within which vape stores cannot operate. I have already seen a store in my own electorate close down because it was too close to a school. That was a blow to the family who operated the store, but they accepted the decision. It was the right decision. If we had regulation in place already, it would likely never have come to that, as new vendors would know where they could and could not set up shop, much as we have done with alcohol.

The second limb of my motion calls for broader regulation and for the government to establish exactly what is needed to safeguard the vulnerable, while still allowing a valuable service to be provided by these family owned and operated stores. This is something only a government can undertake, if only because there is so much data to be considered. I spent a good portion of my weekend—the portion that was not spent preparing for yesterday's debate on the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022—working my way through a particularly impressive piece of research, which I would commend to the government. It is called *Nicotine vaping in England 2022*, and it is arguably the single most exhaustive piece of government research on vaping that I have ever read. It was commissioned by the Office for Health Improvement and Disparities in the United Kingdom. It has 1 400 pages and goes into extensive detail on vaping among young people in England,

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vaping among adults, the use of nicotine and the flavourings used in many of the juices. It is a balanced piece of research, as one would expect from a government. It also looks in great detail at the science and the rates of cancers, respiratory disease, cardiovascular disease and other potential health outcomes.

I am going to give a spoiler. With 1 400 pages, I know members are not going to read it, so I will share its key conclusions. I really do recommend that members read the report for themselves if they are interested, if only to see what can be achieved when a major government department finally agrees to think outside the box.

**Hon Alannah MacTiernan:** What are the conclusions?

**Hon Dr BRIAN WALKER:** Vaping is good. I will come to that in a moment.

I will seek leave to table the report later. I have a PDF that can be scanned. The key findings are —

...vaping poses only a small fraction of the risk of smoking and is at least 95% less harmful than smoking (that is, smoking is at least 20 times more harmful to users than vaping).

...

Evidence from stop smoking services ... shows that vaping is effective for stopping smoking. These findings, along with our findings that vaping carries a small fraction of the health risks of smoking, suggest that smokers should be encouraged to use vaping products ...

This is a government report in the UK, and it is mirrored in other nations around the world. The report continues —

Cuts to government bodies —

That is, in England —

responsible for overseeing vaping products are concerning. The recent increase in young people using disposable vaping products makes this an even greater concern, because if it continues, it could undermine the approach and regulatory framework for vaping products —

I will come back to that idea in a moment. As an overarching finding, the report says —

As well as educational materials aimed at older smokers on why and how to vape to stop smoking, educational materials are also needed for young people starting vaping who would otherwise not have smoked, and for those who need support in stopping smoking.

I do not know about members in this chamber, but these findings and recommendations resonate with me in terms of the current situation in WA. I desperately want to help people stop smoking. We want to protect our most vulnerable from picking up the habit, which will have implications of its own.

We can acknowledge that vaping can have a valuable role to play in reducing tobacco harm in our community. Instinctively, we also know that, for it to do the most amount of good, vaping needs a suitable level of regulation, which in our case we are yet to draft. That lack of regulation has encouraged the estimated 522 000 vapers in Australia. I want to stress that this is a national issue, not just a state issue, and WA is not alone in having left it unregulated for too long. The lack of regulation leaves small, responsible, local businesses in a weird legal limbo, while at the same time encouraging vapers to go online and buy wholly unregulated products from overseas.

The other day I saw an anti-vaping paper that suggested that one of the risks of vaping was that vape devices could explode, causing serious burns to users. I am not a mechanic, but I would suggest that a legally sold vape tailored to the needs of the user, the function of which is explained by a properly regulated vendor, is a lot less likely to malfunction than a cheap knock-off bought over the internet, built in sweatshops to the lowest common denominator, in the name of a fast sale. That is not the sort of model I am supporting here today, and I do not believe it is the sort of model the industry is advocating either.

Personally, I would like to see nicotine e-liquids lower than five per cent in concentration for vaping exempt from the Poisons Standard; the introduction of laws and guidelines specifying minimum standards for the manufacture and safety of vaping liquids; mandatory standards for labelling, refill containers and health warnings; the prohibition of descriptive flavour names that specifically appeal to youth, and unsafe flavouring chemicals; and, of course, the regulation of nicotine e-liquids sales in vape shops, other retail outlets and online. Some of these will require a national approach. Others can be researched and implemented at a state level, and there is nothing to stop Western Australia from leading the way in that regard. Please note that the things I said I would personally like to see are not set out in this motion. Indeed, I am asking only for the government to take the time and make the commitment to undertake its own comprehensive review with the aim of bringing forward a regulatory model that it approves of, one that would bring some much-needed balance to the industry and to public health in this sphere.

Research shows that the reduction in smoking has plateaued in Australia. It is about 0.3 per cent per annum, which is negligible. Let us compare that with countries like the United Kingdom and the United States, where vaping has been embraced as a quitting aid. The US has seen a consistent one per cent drop per annum since 2013. That might

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appear to be a somewhat abstract difference—one per cent in the US and 0.2 per cent here. If we concede that vaping has approximately five per cent of the long-term risk of smoking, 104 000 Australian lives would be saved by 2018 and over two million years of lost life would be prevented if Australian regulations mirrored those in the US. With roughly 10 per cent of our national population resident in Western Australia, that is 10 400 lives over the next 50 years, or more than 200 fathers, mothers, sons, daughters, neighbours and friends saved each and every year from death as a result of smoking.

I came into this Parliament with a view to presenting medical information that would allow the people of Western Australia to enjoy better wellness and a better quality of life. This is one thing that would assist with that, while at the same time taking care to save the vulnerable in our population. We need to do this. If we do not, they will find a way to import things from overseas that will cause them definite harm. That is unacceptable.

I am an optimist, and I have to assume that we all want the best for the health and wellbeing of the citizens who elected us to this place. The science is clear: there is a net good. A lack of regulation serves only to encourage big tobacco, and I am an enemy of big tobacco —

**Hon Stephen Pratt** interjected.

**Hon Dr BRIAN WALKER:** This is why we need to regulate at the local level, absolutely. We need to take it out of the hands of big tobacco and make available regulated and safe medical nicotine vapes to allow people to stop smoking.

**Hon Stephen Pratt:** It is less bad. You're saying it's good, but what the report says is that it's less bad. That doesn't mean we should allow it.

**Hon Dr BRIAN WALKER:** I agree entirely. Hon Stephen Pratt has made a very valid point there, and I do accept that. It is less bad. The question is: will we allow people to access the “more bad” option, or do we want to make the “less bad” option available?

**Hon Stephen Pratt:** It's also a new thing, so there's no long-term data.

**Hon Dr BRIAN WALKER:** I do hope that our government will take that on board and allow us to investigate and see what the facts are from our point of view, to get the science and the facts out. I entirely share the member's point of view: we need to have the best outcome, but the process we have now will not allow the best outcome to happen.

I seek leave to table the British Office for Health Improvement and Disparities' vaping analysis from September.

[Leave granted. See paper [1743](#).]

**Hon Dr BRIAN WALKER:** I thank members for their indulgence. Bear in mind that I also share the concerns other members have and am looking at the wellbeing of the citizens we represent. I heartily commend this motion to the government.

**HON ALANNAH MacTIERNAN (South West — Minister for Regional Development)** [10.29 am]: I appreciate the member bringing forward this motion and also advising us of this new research, which I am sure we will be very interested to see. I am a little concerned that the member may think that certain things are legal in Western Australia that are not legal, so it is important that we step through the situation. In Australia, I think we have made an extraordinary achievement in reducing smoking. It is noticeable whenever one travels around that world that we smoke far less here than we see in other countries. That has come not from banning smoking, but, obviously, from putting in place financial and social barriers, as well as educating the population on the very real dangers of nicotine. We know that without making a product illegal, we can nevertheless have a significant impact on behaviour.

There is a concern around vaping. There is evidence, and I am very interested in looking at it, because to some extent the degree to which vaping helps a person move away from tobacco smoking and towards a less harmful consumption of nicotine is contested. I have met many, many lifelong smokers who have said that vaping certainly has helped them. In recognition of that, in Western Australia and, I believe, probably across Australia, we allow people access to vaping, provided that they receive a prescription from their doctor. I do not suppose that is terribly hard to obtain. They are then able to access vaping devices and the content that goes into them. The view has been that we do not want to make these devices generally available to people who are not already smoking, because that would create a new class of people who would potentially become addicted to nicotine. Work was done recently in Western Australia to test the substances in vaping devices. From a survey conducted in 2017, we can see that 14 per cent of students between the ages of 12 and 17 years have tried vaping. I am trying to find the additional research that shows the percentage of these products that contain nicotine. In April 2022, the Department of Health collected more than \$500 000 worth of vapes and asked the ChemCentre to analyse the vapes that are found for sale in Western Australia. Disturbingly, it found that two-thirds of the vapes tested contained nicotine, despite being labelled as nicotine-free products. That was a deeply disturbing fact. Two-thirds of the products that were labelled nicotine-free actually had nicotine in them. This confirms something we have been fearful about with vaping,

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which is that vaping products are being imported into Western Australia as a nicotine pathway and, arguably, young people are being deceived because they think they are buying nicotine-free devices and are finding themselves hooked by the international purveyors of nicotine.

Our response in a general sense has been simply to say that vaping devices and any components of vaping devices cannot be sold. When I listened to the comments by the member, I thought he seemed to be of the view that all the vaping stores out there are operating legally. The member just has to get to the point that the business model is based on selling a product that is illegal to sell in Western Australia.

**Hon Wilson Tucker:** It is not illegal to sell the individual components of a vape.

**Hon ALANNAH MacTIERNAN:** That is not the advice that we have been given. This is not my area of responsibility, so I am relying on notes, but I understood that there was a case in 2016 in which all the components were caught up in this legislation. Certainly at this point in time, the operating instructions of the Department of Health—I do not know whether anyone has additional information—is that it is illegal.

**Hon Wilson Tucker:** If that is the case, how are these businesses still operating today, because there are a number of vape stores that are running legitimately?

**Hon ALANNAH MacTIERNAN:** A number of weird things go on. We look at the Cloud 9 stores and wonder how they are able to continue to operate.

**Hon Neil Thomson:** You're in government.

**Hon ALANNAH MacTIERNAN:** That is right. A vape device in multiple components is still illegal unless a person has a prescription for it. As I understand it, since April 2022, the Department of Health has been trying to educate people who have been selling these devices. In April 2022, the department sent correspondence to 3 000 retailers clarifying the restrictions on the sale of e-cigarettes, products and nicotine vaping products. That letter said that products that resembled tobacco products, including e-cigarette devices and their components, whether or not they contain nicotine, cannot be sold by tobacco or general retailers. The letter also stated that the advertising and promotion of these products was not permitted in WA.

In April 2022, there was a warning that this is the law and this is how the law is being interpreted. Over the six months since that time, the Department of Health has been conducting intensive targeted raids on businesses that sell illegal vaping products. As I said earlier, in that short space of time, it has seized more than 15 000 vapes, which were themselves illegal, but what was truly worrying is that all the vapes contained nicotine. When they were analysed, notwithstanding the claim that they were nicotine-free, they were all found to contain nicotine. In fact, some e-cigarettes contained as much nicotine as 50 cigarettes. The ChemCentre report also found that they contained other harmful substances such as disinfectants, pesticides and heavy metals. There is no doubt that vapes are dangerous.

We are rolling out an education plan, and I think in the first part of his motion Hon Dr Brian Walker supported the well-targeted education package that is being promoted. The idea that we should regulate to prohibit the selling of vapes within 50 metres of a school is a bit nonsensical given that unless someone is a pharmacist, they are not entitled to sell them at all; they would be breaking the law if they were to sell vaping products, components of vaping products or the liquid materials that go into vape kits. In my view, there seems to be some confusion here. We believe that the law, supported by interpretations that have gone all the way to the Supreme Court, is to be interpreted in this way. It covers the vapes, the components of the vape and the importing of vapes. As I say, it is true that probably a lot of people have been selling the products. A big awareness campaign has started amongst tobacco and general retailers to let them know that this is not legal, and further action is now being taken.

I would be very interested to have a look at the document that the member referred to. I do not think it will produce an inconsistent result. Although there is some variable evidence on this subject, I certainly think that there is enough evidence to support allowing people who are smokers to receive approval to acquire vapes with properly graded products. We do not have any plans to discontinue that, but we are very concerned that after all the hard work that has been done to really reduce the number of people who smoke, particularly young people, we are seeing that this can come in by the back door. The figures that I gave members—about 15 000 supposedly nicotine-free products being sold to our young people—show that the people flogging these things are not Mother Teresa.

We agree that there is a role for vaping in helping people to get out of the habit of smoking, but that needs to be done in a controlled way. We are not criminalising vaping, but we are certainly saying that it is illegal. I think that the member must be very conscientious and ensure that the people he is dealing with understand that the selling of these products is illegal and that over the last six months, the Department of Health has been taking much more strenuous efforts to ensure that this illegal conduct does not continue. I thank the member for the motion.

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**HON SOPHIA MOERMOND (South West)** [10.44 am]: I stand to contribute to today's motion on vaping, moved by my colleague Hon Dr Brian Walker. To clarify, I do not understand the attraction of vaping, although I can see the benefits of regulation, specifically for safeguarding children. Prohibition does not work. Just like Minister MacTiernan, I, too, have heard about incorrect labelling, and I share her concerns about that. I have also heard that nicotine juices are imported and people then blend their own mix to put into their vape device. If someone does not understand how to do this correctly, they may find that they have way too much nicotine in there, which can lead to poisoning. Once again, I feel that regulation could help prevent that.

Just like my colleague Hon Dr Brian Walker, I, too, have lost a parent to smoking. My dad passed away from lung cancer in 2018. He tried many times to give up. I wonder whether things may have been different if there had been more tools available for my father, and whether he may have been able to give up smoking much earlier in his life. I know that my health has been affected by second-hand smoke from my parents, with poor lung function and eczema being a real-life result for me.

As our party has made clear before, we are supporters of vaping wholesalers and retail vape shops that operate within the law. We also support the government in its efforts to keep harmful products out of the hands of children and young people. We do not want to see vape stores near schools and we do not want people under 18 to have access to vape stores.

**Hon Alannah MacTiernan:** How can we have vape stores? You're not allowed to have vape stores, so how can they be within 50 metres or whatever of a school? They are actually illegal.

**Hon SOPHIA MOERMOND:** They have obviously managed to get a business licence; they have set it up, and they sell all the components separately.

**Hon Alannah MacTiernan:** Just a word of advice. You're dealing with these businesses. I really think it is important to let them know that the position is that what they are doing is actually illegal. We would not put a law in that a shop has to be 50 metres away from a school for something that we are saying is illegal, because it would be sending a very confusing message.

**Hon SOPHIA MOERMOND:** Having spoken to several of those business owners, they seem quite passionate about the fact that what they are doing is legal, and part of what they are doing is taking on the role of safeguarding. They sell all the different components separately. They also make sure that the products that they sell are labelled correctly and do not contain nicotine. This is entirely different from the black-market operations, whereby we see cheap items mostly from China being imported containing different levels of nicotine. They do not say that they contain nicotine, but sometimes the nicotine levels in them are quite high.

**Hon Kyle McGinn:** But all they need to do is get a prescription, so why wouldn't the vape store become someone who could provide that?

**Hon SOPHIA MOERMOND:** Because they do not sell nicotine.

**Hon Alannah MacTiernan:** Member, do you recognise that, as the law currently stands, it is illegal to sell vaping products?

**Hon SOPHIA MOERMOND:** That is not how I understand it, because the items are being sold differently. As I have stated, the shops do not want to be part of illegal activity. It is obviously in the best interests of the stores to operate legally, and most of them do. It is the black market that causes these issues. Those people advertise their vape products on social media and Telegram Messenger in particular and sell them to children in parks out of the boots of their cars. That is what needs to be stopped. That is where the risk for children is. Like I said, those vapes often contain nicotine, sometimes at very high doses.

I have visited vaping stores in my electorate, in Busselton and Bunbury, as well as in Perth. These small, legal businesses—which in some cases have put their life savings into creating a future for themselves and their families in the vaping sector—whether we like it or not, are scared that at any moment they could see the goalposts moved on them and they could lose everything. The government has provided us with some hysteria, false information and dubious scientific facts about those in opposition to vaping.

**Hon Kyle McGinn:** Are you saying the Department of Health has been misleading on the information around vaping? I would be very careful to accuse the department of that. That is crazy.

**Hon SOPHIA MOERMOND:** Okay. I am not quite sure how crazy that is. Currently, the government still believes that cannabis causes all sorts of issues, when we have clear science showing that that is not actually the case.

**Hon Kyle McGinn:** They used to say smoking was safe too. Didn't they?

**Hon SOPHIA MOERMOND:** Yes, and doctors were involved in that one, as well as big tobacco. Currently, facts show that vaping, when done properly, is actually safer than smoking cigarettes.

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**Hon Kyle McGinn:** Big tobacco is investing in vaping, aren't they?

**Hon SOPHIA MOERMOND:** They probably are. Big pharma is investing in cannabis, too.

Currently, we know that overseas in the UK and New Zealand, vaping is being used very effectively to help people stop smoking. One of the things we find with people who smoke is that the rolling of the cigarette or the rituals around having a cigarette are missed by people when they stop smoking. Having a vape will allow them to change that behaviour to something that is much less harmful. So far, we have heard from the research that non-nicotine vaping products have been proven to save lives. They stop people from smoking, which is around 20 times more harmful than vaping. Why not focus on that, instead of making it harder for small businesses to operate in what is already a difficult environment?

If we spent less time demonising those who vape and vaping stores, and more time on real health issues that are killing people every day, we might have some chance of making an impact. Sugar and alcohol are still two items that are causing a lot of health issues in our society. We also have other behavioural issues that currently affect children and lead to mostly very unhappy children, which is why we have several committees working on that at the moment. Young people should absolutely be discouraged from smoking or vaping. We all agree on that, but let us not make out that vaping is the scourge of society the hype would have us believe.

I support any measures that help protect young people from developing bad habits and taking up harmful activities, but if people want to vape and they are of legal age to do so, they should be allowed to. That is what bodily autonomy is all about.

**Hon Kyle McGinn:** Get a prescription. That stops kids from having a vape.

**The PRESIDENT:** Order!

**Hon SOPHIA MOERMOND:** A prescription is for nicotine vapes, specifically, not for other substances.

**Hon Kyle McGinn:** You can't have your cake and eat it too.

**Hon SOPHIA MOERMOND:** This motion calls for an investigation by the Minister for Small Business into the scope and level of regulation that is required in this area, so we can really examine the way to allow small vape businesses to continue to operate and continue to provide the valuable social service to the community. I fully support this motion before the house today, and I look forward to reading the results of any such investigation.

**HON WILSON TUCKER (Mining and Pastoral) [10.54 am]:** I was engaged in a little bit of back and forth with the Minister for Regional Development before, and I would have welcomed interjections to clarify some of the legalities around these vape products.

My understanding was that until very recently selling the individual vape components was considered legal; therefore, legitimate businesses have been set up as a result. However, recently the state government has taken a very liberal interpretation of the federal tobacco act, and a Supreme Court case is pending. These legitimate stores were originally operating under the pretext that they could legally sell the individual components; however, now there is a grey area and, therefore, we have not seen the enforcement. It is a heavy-handed approach by the state government to stamp out what were considered legitimate businesses until very recently.

**Hon Kyle McGinn:** But it has not changed the law. The law is just being enforced.

**Hon WILSON TUCKER:** The state government is interpreting the federal act, yes. It is a grey area, hence some of the confusion—certainly some of the confusion for the vaping stores.

**Hon Alannah MacTiernan:** They did all receive correspondence. It was not heavy-handed. They did not come in with jackboots. They wrote to all the stores and actually set out —

**Hon WILSON TUCKER:** I am sure that the consultation process was not heavy-handed. The interpretation of the federal act is, in my opinion, heavy-handed. It is with those comments that I support the motion raised by Hon Dr Brian Walker. I think regulation in this space is a good idea in preventing children from accessing these vaping products.

**Hon Alannah MacTiernan:** But it is not legal to do it, so what would the law look like? We are saying that it is illegal to sell these devices, and it is also illegal to sell them within 50 metres of a school. It is already illegal to sell them within 50 metres of a school, because it is illegal to sell them generally. I do not get how you would frame that.

**Hon WILSON TUCKER:** Based on the federal acts, minister, it is legal to sell these products. The state government has taken a colourful interpretation of that act, and it is pending. Once the dust settles, potentially, it could be legal to sell the individual components.

**Hon Alannah MacTiernan:** Is a legal action being taken to contest that interpretation?

**Hon WILSON TUCKER:** I believe so. I am not too sure, and I do not want to mislead the chamber on that.

**Hon Alannah MacTiernan:** Well, what do you mean it is pending?

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**Hon WILSON TUCKER:** I know the state government is taking a very colourful approach to its interpretation of the federal tobacco act.

I think we are all on the same page: vaping for children is a bad thing. Vaping stores have come out and said the same thing. I met with Legalise Vaping Australia; that is not an endorsement of it. I know it is partly owned by big tobacco, but as an individual member, I have to meet with a lot of different people and talk about a lot of different issues. Everyone is singing from the same songbook and agreeing that access to vaping products for children is a bad thing. However, prior to the state government's interpretation of the act, when these stores were considered legitimate businesses, they were trying to engage in a dialogue with the state government but had not been successful. Store owners and advocates for vaping as a smoking-cessation aid have been calling on the government to take a harm-reduction approach for years. They predicted that a continued prohibition would lead to a flourishing black market, and that is exactly what we are seeing.

**Hon Alannah MacTiernan:** If people are wanting it as a stop-smoking alternative, why don't they go to the doctor and get a prescription?

**Hon WILSON TUCKER:** I think Hon Dr Brian Walker mentioned that it is incredibly hard to get a prescription for these vaping products. There is a desire for them in the community. To go down the road of prohibition and take a heavy-handed approach will not stamp out that desire in the community.

**Hon Kyle McGinn:** How is it a prohibition if it is prescribed?

**Hon WILSON TUCKER:** It is a prohibition for the non-tobacco vaping products.

**Hon Kyle McGinn:** If you are genuinely doing it to quit smoking, why can't you get a prescription?

**Hon WILSON TUCKER:** Another cohort of people do not want it just as a gateway to move away from cigarettes.

**Hon Kyle McGinn:** They want to start vaping when they did not smoke cigarettes before.

**Hon WILSON TUCKER:** Absolutely.

**Hon Dr Brian Walker:** I can actually answer that question when I give my reply.

**The ACTING PRESIDENT (Hon Dr Sally Talbot):** Can I just interrupt this lovely little exchange to restore some semblance of a parliamentary debate, in which only one person is on their feet, therefore, only one voice is heard, and that is the voice of Hon Wilson Tucker.

**Hon WILSON TUCKER:** Thank you, Acting President. The government has taken notice of this harm-reduction approach. In June, a new campaign aimed at preventing school-aged children taking up vaping. I have mentioned that is a good thing, and I think everyone here would agree.

The government has had ample opportunity to get ahead of this issue. Vaping stores and vaping advocacy groups have been saying for years that a harm-reduction approach is better than a prohibition approach. The government had an opportunity to get ahead of this by being proactive with regulations around vendors that would ensure a basic standard of liquids, which the Minister for Regional Development touched on, and around the sale of products and packaging et cetera. Instead, the government has spent the last few years treating vaping as an extension of the tobacco industry, which it clearly is not. The genie is certainly out of the bottle on this one. I am not aware of many, if any, examples of successful prohibition around the world. Meanwhile, vaping fulfils a community need. Previously, legitimate businesses had been set up to fulfil the need in the community. That need is not going away. The government is forcing the creation of a thriving black market. I am not sure whether members have actually tried to —

**Hon Alannah MacTiernan:** Member, can I just clarify that you are aware that actual vaping itself is not illegal?

**Hon WILSON TUCKER:** I am.

**Hon Alannah MacTiernan:** We haven't got a situation where people who are vaping are breaking the law.

**Hon WILSON TUCKER:** No. The black market that I am referring to is the buying of tobacco vapes at convenience stores. I do not know whether members have tried to do this but it is a very easy process to go to any convenience store and ask for a nicotine vape.

When it comes to illicit drug use, the best practice is a policy of harm reduction. Unfortunately, when it comes to nicotine, the government's thinking is stuck in the last century. It has not taken a proactive approach. Instead, it has taken a blunt-force approach with the shutting down and demonising of legitimate businesses. It has not worked in the past and I do not think it will work now.

**HON JAMES HAYWARD (South West) [11.01 am]:** I congratulate Hon Dr Brian Walker for bringing this motion to the house. Although I tend to agree with the Minister for Regional Development that a ban around schools is



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probably not the best way to tackle the issue of vaping, I certainly support the member's motion in terms of the state needing to do a lot more. I will talk about some of the things that the state is not doing. I openly accuse the Department of Health of not moving or being motivated to respond to these needs because I am aware of a particular incident in Bunbury that took months and months of reporting before the Department of Health did anything about it. A fast-food store that operates on Victoria Street—I will not name the store—was for many months selling illegal vapes to schoolchildren. After school, kids from Bunbury Senior High School would visit the shop. In fact, I speak with a little authority in this space because I have a 16-year-old son who lives in Australind. Kids would come to this store from all over greater Bunbury because they knew that they could buy their illegal vapes there. Of course, those illegal vapes contain nicotine. The minister said that 14 per cent of young people had tried vaping in 2017. I suspect that today that number is significantly higher. We are in the midst of a vaping crisis among young people and the government needs to turn its hand to this issue. I congratulate the government's efforts in terms of education, but it needs to do more by responding to reports that stores and individuals are selling vapes to children. A neighbour of the shop in Bunbury initially reported the activity to police and said, "What's going on here guys? Every day after school, children are coming out of the shop with vapes. They open up the boxes and throw away the rubbish. I am picking them up all the time. What can be done?" The police said that it is a sales issue so it is an issue for the Department of Health. It is not an issue that the police want to buy into. The neighbour reported the matter to the Department of Health around four or five times over a three to four-month period. Finally, he spoke to his local member of Parliament, Hon Don Punch, about the dramas with this particular store. Finally, the Department of Health turned up and did something.

The Department of Health can do more. It needs to be more responsive to these types of things. It is absolutely critical that we get involved in taking these things out of children's hands. I know that schools are struggling to deal with the amount of vaping that kids are doing in toilet blocks and around the school. All sorts of rules are being enforced. For example, if a kid is found in a toilet block while somebody else is vaping, everyone gets in trouble. Some of these things are impractical and potentially a little unfair but schools are struggling to manage this issue. From time to time, schools call the police when vapes are found; sometimes that works well and other times it does not. For police, it must add work that may not be of the highest priority to their already tremendous workload. Schools are struggling with the issue and they need some help. The Department of Health needs to create a strike force and to have a stronger presence to respond to these initial inquiries, particularly when the reports coming into the Department of Health are specifically about the sale of vapes to schoolchildren. We are talking about significant amounts of money. I heard that this particular store in Bunbury is selling around \$18 000 of vape product a week. That is an incredible number of transactions. I have no way of knowing whether that is true, but it seems to be a phenomenal amount of money being turned over. It may be that that particular store owner is not the person selling the goods. It is possible that a staff member might be selling products out of one of the back rooms or whatever. I make no conclusion around that other than that it was reported to the Department of Health multiple times and it took the department a long time to do something about it. I have since heard that the store continues to sell those products to children, but I was unable to speak to my contact this morning to find out where that is at as of today.

I have read quite an interesting book called *The Hidden Persuaders* that is about the advertising techniques used in the late 1950s to sell tobacco, cigarettes and other items. It talks about some things that have already been mentioned today such as the ritualistic nature of smoking, the desire of people to have something in their hands and even the movement or activity of putting these things up to one's mouth. The book even referred to the fact—members might find this quite outrageous; I thought it was a bit weird as well—that in some ways smoking mimics the breastfeeding of children and it brings back ideas of this activity. I share this because although the book talked about this in terms of marketing, the companies knew that this stuff was highly addictive. They knew that the activities around it, the ritual side of it, was highly addictive. Big tobacco companies were looking for ways to exploit that and to make some money from it in the late 1950s, 1960s and beyond. I raise that because it is significant. It is a powerful influence over young people. Our kids are in the midst of a crisis and we should do all we can to help them get out of it. Thank you.

**HON MARTIN PRITCHARD (North Metropolitan)** [11.08 am]: I cannot believe what I am hearing today, to be honest. I have a lot of admiration for the mover of this motion—a lot of admiration—but being a medical practitioner and bringing this sort of motion to the house, moves me to speak in opposition. I will not be supporting this motion. Like some members, I grew up in an era when it was cool to smoke. I went to Hampton Senior High School and on my way to school I went past a delicatessen. At the age of about 13 years, I thought it was cool to smoke, so I would stop off at this delicatessen and even though it was illegal to sell smokes to children under 18 or 16 years of age, the staff would sell me a packet of five cigarettes. I did not have a lot of money so I bought a packet of five that cost something like 15¢. I would then take them to school and sell a couple to try to get my money back. I would smoke the other three and do the same again the next day. By the time I was 14 or 15, I was well and truly addicted to smoking. At that time, of course, smoking was legal, as it is now. As anybody who used to catch

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a bus in those times would know, the smell was disgusting, even for smokers. People would also smoke in a taxi, and in their workplace. It was cool, and everybody did it, and they got addicted early in life.

We have spent years trying to pull back from that, to the point that now it is not cool to smoke. The other day when my wife and I were driving, we saw a woman driving a car with her kids while holding a cigarette out the window. My wife was disgusted. It is no longer cool to smoke. Fortunately there are people—I am one of them, thank goodness—who have taken the step to stop smoking. I will say that was the single hardest thing I have ever done. I did that cold turkey when I was aged about 28. I still remember that. Years later, I would not ever try to have another cigarette, because I was scared that I would get back onto them. I suppose I have that addictive nature. We are talking about a product that is legal. The worst thing is that back in those times, smoking was cool.

We are now talking about vaping. Do we really want to allow kids to continue on the trajectory that smoking is cool? Whether the delicatessen from which I had bought my cigarettes had been 13 kilometres—back then it was miles—from my school or 50 metres from my school, I still would have gone there to get cigarettes before I went to school because I was hooked. It does not matter whether it is within a school precinct; kids will travel. They will find some way to get it. Are we really going to condone that? That is what this motion will do. I understand that may be not what the mover of the motion is trying to suggest, but in my view it will condone vaping. Vapes contain who knows what. Who knew what cigarettes contained? The tobacco companies spent years saying that smoking was not bad for people, but we know it is. Who knows what vapes contain? I predict that the same impacts will be felt by people who vape on a regular basis as are felt by people who have been smoking for a long time. If we allow vaping to get out of hand, society will have to pick up the cost, as it has for smoking.

I cannot believe that we are having this debate. I come from a retail background. I know what retail is. It is about creating a market. People who sell vapes are trying to create a market. They are trying to make vaping seem cool. They are trying to attract kids to vaping so that they will get addicted. Their market for selling cigarettes is disappearing. That is because of the good work that this society has done in trying to make smoking not cool. Some people who are addicted to smoking might find vaping a less evil alternative. However, there are ways in which they can quit, even though that might be difficult. To go back to the kid that I was back then, if I wanted something badly enough, I would do anything to get it. I would travel that 13 miles and then go to school. If we want something badly enough, we will get it, if it is legal. The people who need it can get it. Heaven help them. I hope people will be able to get off cigarettes altogether, because they will feel better for it.

I cannot believe that we are debating this motion. I have a lot of respect for the mover of the motion, Hon Dr Brian Walker, and he knows that. I will be voting against this motion, and I would encourage everybody in this chamber, including the mover of the motion, to vote against it.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [11.13 am]: I thank members for the brief time that I have been given to make a contribution to this motion on behalf of the opposition. For the benefit of members who were not in this chamber in the last Parliament, this issue has been examined a couple of times by the Parliament of Western Australia. It was examined most recently in the fortieth Parliament by the Select Committee on Personal Choice and Community Safety. That select committee was put together on a motion from the then member of the Legislative Council Hon Aaron Stonehouse. I was a member of that committee on behalf of the opposition, along with Hon Dr Sally Talbot on behalf of the government, who also made a contribution to that committee. A raft of information is available from that review and can be found on the Parliament of Western Australia website.

There has been some confusion today about the legality of vaping devices. I would like to reference the report of that committee, which was done at least two years ago now, or maybe three, because it is still relevant to this debate. The report of the select committee examines this question in detail. I refer in particular to chapter 3 of the report. Under the heading “Regulation of e-cigarette devices—Tobacco Products Control Act 2006 (WA)”, the report states at page 46, in point 3.61 —

Section 106 of the TPCA is also significant as it creates the offence of selling products that resemble tobacco products ...

Section 106 of the Tobacco Products Control Act states, in part —

A person must not sell any food, toy or other product that is not a tobacco product but is —

(a) designed to resemble a tobacco product or a package;

The question mark was whether this act therefore precludes the sale of e-cigarette devices. The Minister for Agriculture and Food asked whether this has been tested in court. It was tested in court in 2016. I will also read what the report states on page 47, in point 3.63, so that members are aware. It states —

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The Court of Appeal of the Supreme Court ruled in 2016 that e-cigarette devices (whether or not they contain e-liquid with nicotine) fall within the definition of section 106(a) of the TPCA.

The report goes on to say that the Court of Appeal decision was based on the successful prosecution of a small business in Perth that was selling e-cigarettes. The business owner appealed that decision to the Court of Appeal based on whether section 106 of the Tobacco Products Control Act applied to e-cigarettes, and the appeal was rejected. Therefore, it was tested in the Supreme Court of Western Australia, which found that to be a valid interpretation of section 106(a) of the act, that was appealed, and the appeal was rejected. That is the legislative basis for why e-cigarettes are illegal in the state of Western Australia. I am unaware of whether that has changed in a legal proceeding since that time. I commend to members the report that was contributed to by the members of that select committee, not many of whom are still in this Parliament. The report contains a great deal of information and is a good example of what a committee can achieve. As far as I am aware, that is the legal situation that exists currently.

**Hon Alannah MacTiernan:** Can you quickly recap, please?

**Hon Dr STEVE THOMAS:** Section 106(a) of the Tobacco Products Control Act prohibits tobacco-like products. That was tested in the Supreme Court, which determined that vaping and e-cigarettes are captured under that section of the act. A significant fine was given to a Perth business that was selling those products. The business owner appealed to the Court of Appeal, and the court rejected that appeal. As far as I am aware, that is the last testing of the legal basis. The interpretation of section 106(a) of the Tobacco Products Control Act makes it illegal, unless a legal case has taken place in the last year that I am unaware of.

**Hon Alannah MacTiernan:** No. Our advice is that we are still operating on that 2016 decision. We have now moved, post-COVID, to look seriously at the enforcement of that.

**Hon Dr STEVE THOMAS:** I am sure that the mover of the motion is dealing with exactly the same question that the select committee dealt with at that time. I think it has been mentioned that vaping liquids that contain nicotine are illegal except by prescription.

**Hon Alannah MacTiernan:** It is not that vaping is illegal if a punter is doing it. What is illegal is selling the product. There is no prohibition on the consumer.

**Hon Dr STEVE THOMAS:** No, it is the retailer. They cannot sell them. That is why people are going on the internet to import things from America et cetera. I have concerns that products out there can be purchased that are more like lollies than tobacco products. All these flavours are coming in to be attractive. There is no doubt that there is targeting of young people as part of that. The committee that looked into this was well aware of that. Big tobacco has been mentioned a couple of times. Big tobacco was one of the contributors in terms of submissions to the committee and certainly had an interest in the process.

The question that has to be faced, ultimately, I think, boils down to this. We heard evidence repeatedly that using e-cigarettes and vaping for some people was an alternative to smoking cigarettes. I absolutely accept that that is the case; I think the minister said the same thing. I think the evidence shows that the damage from e-cigarettes is less than the damage from traditional cigarettes.

**Hon Alannah MacTiernan:** It depends. Part of the problem is that some of them, I am not saying all, have loadings. The nicotine loadings are incredibly high. Someone would still get the damage from the nicotine, if not from some of the other things.

**Hon Dr STEVE THOMAS:** Yes. It is the damage from the other products of the e-cigarettes that is probably worse than the nicotine in many cases, and that becomes the issue. It is a matter of whether someone could get an e-cigarette down to just nicotine, removing all the tars, cancer-causers and all the rest of it. On that basis, I think we concluded pretty convincingly, that e-cigarettes are, perhaps with some exceptions, generally less damaging to human health than cigarettes. I agree, though, with members who have said that the ideal outcome would be that we have neither. The question is: how realistic is that? I have spoken to people. When I was on the committee, I would stop people in the street who were using these e-cigarettes and go, "Tell me your story. You smoke e-cigarettes. Did you used to be a smoker? Do you think that it helps to get you off smoking cigarettes? Do you feel healthy because of that?" It is absolutely the case that some people do. I was repeatedly told, "I would be a two-pack-a-day person or a pack-a-day person if I wasn't doing this. My health feels better." I think that is exactly the case. I think we have to acknowledge that some people get a genuine benefit from getting off cigarettes. Having said that, the benefits are established, but the risks are also high. There is no doubt that the risk to young people in particular who do not start on cigarettes but start on e-cigarettes—

**Hon Kyle McGinn** interjected.

**Hon Dr STEVE THOMAS:** Is the member making a comment?

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**Hon Kyle McGinn:** Yes. Do you know any statistics on people who did not smoke, but then took up vaping?

**Hon Dr STEVE THOMAS:** We did get some statistics. Sorry, I do not have time to go through and pull those out. Have a look at the report.

**Hon Alannah MacTiernan:** Which year did you do the report?

**Hon Dr STEVE THOMAS:** From memory, it was 2016, but I may have to look at it —

**Hon Colin de Grussa:** Wasn't it 2018 or 2019?

**Hon Dr STEVE THOMAS:** Sorry—yes. It was after 2017. It would have been somewhere between 2018 and 2019. It was in the first term of that Parliament. I think it was called the select committee on personal choices. It considered bicycle helmets and a whole pile of things. I do not have time to talk about all that, but it is worth looking at just for background.

We did have data, and we had presentations on the number of people taking up e-cigarettes, specifically those who smoked them before they tried cigarettes. That is also a truth; that does occur. It is absolutely a truth that some people who switch from cigarettes to e-cigarettes get a health benefit, and that some people who take up e-cigarettes obviously get a health cost. It is an immensely complex process. I feel it was a pretty sensible debate, to be honest. I think we recognised both sides of the argument. I understand that the mover of the motion is intent on further expressing the need to look into this matter and compare the benefits. If we could answer that question, we could ultimately fix the problem. But I think we are a fair bit away from that.

**HON DR BRIAN WALKER (East Metropolitan)** [11.24 am] — in reply: I thank all here for contributing to the debate that I think needed to be had. I appreciate every comment and contribution here. May I quickly reply to Hon Martin Pritchard? I thank him very much. I really value what he said, because it is exactly how I feel. The smoking habit is awful, and I will do everything in my power to have nobody smoke at all. Eighteen per cent of the population currently smoke and 95 per cent of prisoners currently smoke, which reflects a certain attitude towards the choices people can make in life.

Children going behind the bike shed, as was the case when we were young, to try cigarettes is still a risk, especially when cigarettes are legally obtainable, whereas it is actually quite difficult to get a nicotine vape. I reassure members that I am not encouraging vaping for children. I am hoping that the government will take the request to investigate this issue closer and take a more sensible approach to get the percentage of smokers to zero. I would dearly hope that we will not have this scourge upon us anymore. I think vaping is a reasonable approach to doing that. I think the science I have presented in this paper today underlines that. I hope that this will be taken seriously. If we do not take it seriously, we will be opening up a black market, and a black market is one good way to encourage people to be less healthy and take up smoking. They get addicted to nicotine, and then buy the legal cigarettes. I share that point of view entirely.

I thank Hon Dr Steve Thomas for his contribution. I much appreciate the research from that previous committee. I take it to heart. There is support from Hon Sophia Moermond, of course, because we are on the same pathway of trying to ensure individual rights so that one can do what one wishes, but also looking at the wellness of society. I appreciate that.

I think the question with vaping is not so much about whether it is good or bad. I think, universally, we can say that vaping is not good. The question that Hon Stephen Pratt put is whether it is less bad. Yes, it is less bad. If I have a choice between bad and less bad, I am going to choose less bad. It is common sense. Once someone has the less bad habit, they can then choose the better of the less bad. It is a matter of gradation. With what we are currently doing in Western Australia, might we encourage more uptake of cigarette smoking, despite all the efforts we are putting in? There is a serious risk of that. If we are making it difficult to get nicotine vapes—we are—and it is easier to walk in and get cigarettes, people will do the easier thing more often. We know that this is not a good idea.

Hon Kyle McGinn interjected and asked how difficult it is to get nicotine. I prescribe nicotine as a liquid or as a vape. Not many people come for it, because they can walk into a shop much more easily. When I do, I have to put in a special access scheme category B Therapeutic Goods Administration application to the Department of Health. It needs to then go to a chemist to dispense it. It is doable, and every month they have to come by and get another prescription. They have to pay money for it. They are paying for the vape and the doctor; it is a cost thing. It is a choice, and it is actually quite onerous.

**Hon Kyle McGinn:** But if you eliminated the black market sales and it was just prescription, what would happen? You would end up with easier access, because there would be more volume and capacity in the system. You need to get rid of the black market setup.

**Hon Dr BRIAN WALKER:** I thank the member for that. There is the nub; that is exactly the point.

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**Hon Kyle McGinn:** The ones that are selling it in the corner shop is what I am talking about.

**Hon Dr BRIAN WALKER:** No, it is not the black market; it is the internet. It is very easily available on the internet. I have had experience with this with my own boys in school as well. It is very easy to obtain them. They say that everyone does it. It is not being prescribed or bought from the shops; it is being bought from the internet and from friends who are selling it. When we try to prohibit something, it is always the case that we get more of a black market and more criminality. This is absolutely not what we want.

The request I have here and the intent of this motion is not to say that one side is right or one side is wrong. As I have said, I am rabidly anti-smoking and anti-nicotine. What I am looking for here is for the government to take this on board and say, “Can we do this better? Is there a better way of doing this?” I hope that Hon Martin Pritchard will reverse his position and send this one as a recommendation to government to allow for more research. We are not asking to free things up. I am asking here for research and for the government to actually take a closer look at this and what is happening internationally. Why are other major governments supporting vaping; for example, New Zealand, the United Kingdom and America? Why are they doing that, and why have we gone the opposite way? Are we doing it better or less well than other countries? That is a valid question to be asked by a sensible government that cares for the wellness of its citizens—the ones whom we are sworn to defend.

With that, I thank all members for their contributions. We are all on the same page. We all support what is good for our citizens here. I thank members for the very helpful debate and extreme emotions from both sides. We can talk about this in sensible tones and support each other in our differences and understandings. Thank you.

Motion lapsed, pursuant to standing orders.